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Application No. 08/962027

Prepared by T. McGILL

Tracking Number 59440687

Examiner-GAU Page - 16.15

Date 6/28/04

Week Date 06/14/04

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|----------------------|------------------------|--------------------|--------------------|
| a. Serial No. | f. Foreign Priority | k. Print Claim(s) | <u>p. PTO-1449</u> |
| b. Applicant(s) | g. Disclaimer | l. Print Fig. | q. PTOL-85b |
| c. Continuing Data | h. Microfiche Appendix | m. Searched Column | r. Abstract |
| d. PCT | i. Title | n. PTO-270/328 | s. Sheets/Figs |
| e. Domestic Priority | j. Claims Allowed | o. PTO-892 | t. Other |

SPECIFICATION

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- g. Brief Description
- h. Sequence Listing
- i. Appendix
- j. Amendments
- k. Other

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Substitute for form 1449BPTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <small>(use as many sheets as necessary)</small>		Application Number	08/962,027
		Filing Date	10/31/1997
		First Named Inventor	CaZali
		Group Art Unit	
		Examiner Name	
Sheet	1 of 1	Attorney Docket Number	50454-56103USCIP1

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the book (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	P ²
	1	Dialog File 226: Trademarkcan(r)-US FED: Accession number 73/838497	
	2	McCarthy on Patents, Sec. 19.110	
	3	199 U.S.P.Q. 824 (Endo Laboratories, Inc. v. Fredericks, 08/18/1978)	
	4	KEDON, et al., "A Clinical Trial of Oat Bran and Miacin in the Treatment of Hyperlipidemia", Jour. Fam. Prac., 34:3, 313-317 (1992)	
	5	KNOPP, et al., "Contrasting Effects of Unmodified and Time-Release Forms of Miacin on Lipoproteins in Hyperlipidemic Subjects: Clues to Mechanism of Action of Miacin", Metabolism, 34:7, 642-650 (1985)	
	6	Letter to Applicant from U.S. Department of Health and Human Services dated 07/28/1997	

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Examiner Signature		Date Considered	
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 603. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Unique citation designation number. ³Applicant is to place a check mark here if English language Translation is attached.

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. 20720-95585	APPLN. NO. 08/962,027
	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	Re. 29,652	05/30/1978	Fields et al.			
	Re. 32,581	01/19/1998	Scherm et al.			
	2,510,164	06/06/1950	Woodward et al.			
	2,540,979	02/06/1951	Clymer et al.			
	2,749,274	06/05/1956	Buckwalter			
	2,798,837	07/09/1957	Sahyun			
	2,798,838	07/09/1957	Robinson			
	2,805,977	09/10/1957	Robinson et al.			
	2,851,453	09/09/1958	Kennon et al.			
	2,857,313	10/21/1958	Cooper et al.			
	2,887,436	05/19/1959	Kloze et al.			
	2,957,804	10/25/1960	Schuyler			
	3,062,720	11/06/1962	Costello			
	3,065,143	11/20/1962	Christenson et al.			
	3,108,046	10/22/1963	Harbit			
	3,116,204	12/31/1963	Siegel et al.			
	3,134,719	05/26/1964	Sheth et al.			
	3,143,469	08/04/1964	Debay et al.			
	3,147,187	09/01/1964	Playfair			
	3,193,461	07/06/1965	Eisen			
	3,210,413	10/05/1965	Blank et al.			
	3,272,832	09/13/1966	Nakano et al.			
	3,336,200	08/15/1967	Krause et al.			
	3,424,842	01/28/1969	Nürnberg			
	3,495,011	02/10/1970	Fosset			

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,590,117	06/29/1971	Christenson et al.			
	3,626,071	12/21/1971	Kariya et al.			
	3,629,393	12/21/1971	Nakamota et al.			
	3,629,453	12/21/1971	Waring			
	3,634,584	01/11/1972	Poole			
	3,639,636	02/01/1972	Barnhart			
	3,709,991	01/09/1973	Miller			
	3,721,735	03/20/1973	Thiffault			
	3,773,920	11/20/1973	Nakamoto et al.			
	3,795,691	03/05/1974	Douglas et al.			
	3,806,601	04/23/1974	Mikite et al.			
	3,849,554	11/19/1974	Winitz			
	3,859,437	01/07/1975	Weigand			
	3,862,332	01/21/1975	Barnhart et al.			
	3,864,416	02/25/1975	Albright et al.			
	3,870,790	03/11/1975	Lowey et al.			
	3,923,972	12/02/1975	Fields et al.			
	3,924,001	12/02/1975	Albright et al.			
	3,930,017	12/30/1975	Kummer et al.			
	3,951,821	04/20/1976	Davidson			
	3,957,976	05/18/1976	Sugimoto			
	3,959,492	05/25/1976	Coulston et al.			
	3,965,255	06/22/1976	Bloch et al.			
	3,977,404	08/31/1976	Theeuwes			
	3,987,160	10/19/1976	Broughton et al.			

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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
20720-95585APPLN. NO.
08/962,027INFORMATION DISCLOSURE
STATEMENT BY APPLICANTAPPLICANT
Eugenio A. CefaliCONFIRMATION
NO.FILING DATE
October 31, 1997GROUP
1615

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,992,536	11/16/1976	Kleemann			
	4,002,641	01/11/1977	Möller et al.			
	4,008,719	02/22/1977	Theeuwes et al.			
	4,011,339	03/08/1977	Galantay et al.			
	4,014,334	03/29/1977	Theeuwes et al.			
	4,014,987	03/29/1977	Heller et al.			
	4,034,087	07/05/1977	Voorhees			
	4,034,758	07/12/1977	Theeuwes			
	4,058,122	11/15/1977	Theeuwes et al.			
	4,067,876	01/10/1978	Ferutti et al.			
	4,077,407	03/07/1978	Theeuwes et al.			
	4,102,806	07/25/1978	Kondo et al.			
	4,115,550	09/19/1978	Fields et al.			
	4,116,241	09/26/1978	Theeuwes et al.			
	4,117,111	09/26/1978	Fields et al.			
	4,126,672	11/21/1978	Sheth et al.			
	4,140,755	02/20/1979	Sheth et al.			
	4,160,020	07/03/1979	Ayer et al.			
	4,160,452	07/10/1979	Theeuwes			
	4,166,902	09/04/1979	Ferruti			
	4,167,558	09/11/1979	Sheth et al.			
	4,169,944	10/02/1979	Scallen et al.			
	4,178,387	12/11/1979	Diamond et al.			
	4,180,064	12/25/1979	Heller et al.			
	4,182,902	01/08/1980	Thiele et al.			

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	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,203,439	05/20/1980	Theeuwes			
	4,205,085	05/27/1980	Shepherd			
	4,211,783	07/08/1980	Shepherd			
	4,226,849	10/07/1980	Schor			
	4,230,878	10/28/1980	Shepherd			
	4,237,118	12/02/1980	Howard			
	4,248,857	02/03/1981	DeNeale et al.			
	4,251,519	02/17/1981	Robbins et al.			
	4,255,449	03/10/1981	Cavazza			
	4,256,108	03/17/1981	Theeuwes			
	4,259,314	03/31/1981	Lowey			
	4,261,970	04/14/1981	Ogawa et al.			
	4,268,524	05/19/1981	Cavazza			
	4,272,548	06/09/1981	Gatzen et al.			
	4,279,898	07/21/1981	Engel et al.			
	4,282,233	08/04/1981	Vilani			
	4,283,382	08/11/1981	Frank et al.			
	4,285,951	08/25/1981	Hoefle			
	4,291,030	09/22/1981	Mulinos			
	4,305,959	12/15/1981	Shepherd			
	4,308,251	12/29/1981	Dunn et al.			
	4,309,404	01/05/1982	DeNeale et al.			
	4,310,545	01/12/1982	Shepherd			
	4,318,914	03/09/1982	Shepherd			
	4,326,525	04/27/1982	Swanson et al.			

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	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1815

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,348,399	09/07/1982	Shepherd			
	4,353,887	10/12/1982	Hess et al.			
	4,357,469	11/02/1982	Schor			
	4,361,546	11/30/1982	Stricker et al.			
	4,362,711	12/07/1982	Cerami			
	4,367,217	01/04/1983	Gruber et al.			
	4,369,172	01/18/1983	Schor et al.			
	4,375,468	03/01/1983	Dunn			
	4,382,143	05/03/1983	Shepherd			
	4,389,393	06/21/1983	Schor et al.			
	4,428,951	01/31/1984	Hata et al.			
	4,432,966	02/21/1984	Zeitoun et al.			
	4,440,940	04/03/1984	Shepherd			
	4,452,775	06/05/1984	Kent			
	4,454,108	06/12/1984	Iida et al.			
	4,455,298	06/19/1984	McFarlane et al.			
	4,457,907	07/03/1984	Porter et al.			
	4,461,759	07/24/1984	Dunn			
	4,465,660	08/14/1984	David et al.			
	4,472,436	09/18/1984	Hooper			
	4,478,819	10/23/1984	Hercelin et al.			
	4,485,105	11/27/1984	Shepherd			
	4,505,890	03/19/1985	Jain et al.			
	4,522,804	08/11/1985	Dunn			
	4,525,345	06/25/1985	Dunn et al.			

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	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,539,198	09/03/1985	Powell et al.			
	4,540,566	09/10/1985	Davis et al.			
	4,547,359	10/15/1985	Zierenberg et al.			
	4,556,678	12/03/1985	Hsiao et al.			
	4,568,547	02/04/1986	Herschler			
	4,571,333	02/18/1986	Hsiao			
	4,576,604	03/18/1986	Guittard et al.			
	4,603,142	07/29/1986	Burger et al.			
	4,605,666	08/12/1986	Schmidt et al.			
	4,610,870	09/09/1986	Jain et al.			
	4,624,950	11/25/1986	Sasaki et al.			
	4,657,757	04/14/1987	Hanna et al.			
	4,673,405	06/16/1987	Guittard et al.			
	4,678,516	07/07/1987	Alderman et al.			
	4,680,323	07/14/1987	Lowey			
	4,684,516	08/04/1987	Bhutani			
	4,690,824	09/01/1987	Powell et al.			
	4,692,337	09/08/1987	Ukigaya et al.			
	4,695,467	09/22/1987	Uemura et al.			
	4,695,591	09/22/1987	Hanna et al.			
	4,695,910	09/22/1987	Maruyama et al.			
	4,696,762	09/29/1987	Sander et al.			
	4,704,285	11/03/1987	Alderman			
	4,708,834	11/24/1987	Cohen et al.			
	4,710,519	12/01/1987	Finnan et al.			

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	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,713,245	12/15/1987	Ando et al.			
	4,729,895	03/08/1988	Makino et al.			
	4,734,285	03/29/1988	Alderman			
	4,744,907	05/17/1988	Klimchak et al.			
	4,747,881	05/31/1988	Shaw et al.			
	4,749,575	06/07/1988	Rotman			
	4,752,479	06/21/1988	Briggs et al.			
	4,753,801	06/28/1988	Oren et al.			
	4,755,544	07/05/1988	Makino et al.			
	4,756,911	07/12/1988	Drost et al.			
	4,758,581	07/19/1988	Scherm et al.			
	4,759,923	07/26/1988	Buntin et al.			
	4,764,374	08/16/1988	Grimberg			
	4,775,483	10/04/1988	Mookerjea et al.			
	4,775,535	10/04/1988	Lowey			
	4,777,042	10/11/1988	Toda et al.			
	4,784,858	11/15/1988	Ventouras			
	4,789,549	12/06/1988	Khan et al.			
	4,792,452	12/20/1988	Howard et al.			
	4,792,554	12/20/1988	Elben et al.			
	4,794,115	12/27/1988	Takahasi et al.			
	4,795,327	01/03/1989	Gaylord et al.			
	4,795,642	01/03/1989	Cohen et al.			
	4,795,644	01/03/1989	Zentner			
	4,803,079	02/07/1989	Hsiao et al.			

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,803,081	02/07/1989	Falk et al.			
	4,812,316	03/14/1989	Rossi et al.			
	4,814,183	03/21/1989	Zentner			
	4,814,354	03/21/1989	Ghere-Sellassie et al.			
	4,824,672	04/25/1989	Day et al.			
	4,824,677	04/25/1989	Shah et al.			
	4,828,836	05/09/1989	Elger et al.			
	4,830,859	05/16/1989	Finnan			
	4,834,965	05/30/1989	Martani et al.			
	4,834,985	05/30/1989	Elger et al.			
	4,837,032	06/06/1989	Ortega			
	4,839,177	06/13/1989	Colombo et al.			
	4,842,863	06/27/1989	Nishimura et al.			
	4,844,907	07/04/1989	Elger et al.			
	4,849,229	07/18/1989	Gaylord et al.			
	4,851,232	07/25/1989	Urquhart et al.			
	4,851,233	07/25/1989	Khan et al.			
	4,855,143	08/08/1989	Lowey			
	4,857,336	08/15/1989	Khanna et al.			
	4,866,058	09/12/1989	Izydore et al.			
	4,871,548	10/03/1989	Edgren et al.			
	4,882,167	11/21/1989	Jang			
	4,886,669	12/12/1989	Ventouras			
	4,888,178	12/19/1989	Rotini et al.			
	4,892,741	01/09/1990	Ohm et al.			

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,911,917	03/27/1990	Kuhrts			
	4,915,952	04/10/1990	Ayer et al.			
	4,920,115	04/24/1990	Nestler et al.			
	4,920,123	04/24/1990	Beyer, Jr.			
	4,925,905	05/15/1990	Boeckh et al.			
	4,935,246	06/19/1990	Ahrens			
	4,940,588	07/10/1990	Sparks et al.			
	4,942,040	07/17/1990	Ragnarsson et al.			
	4,946,870	08/07/1990	Partain, III et al.			
	4,946,963	08/07/1990	Izydore et al.			
	4,950,689	08/21/1990	Yang et al.			
	4,952,402	08/28/1990	Sparks et al.			
	4,959,478	09/25/1990	Möller et al.			
	4,963,367	10/16/1990	Ecanow			
	4,965,252	10/23/1990	Kuhrts			
	4,966,768	10/30/1990	Michelucci et al.			
	4,968,508	11/06/1990	Oren et al.			
	4,970,081	11/13/1990	Frisbee			
	4,973,468	11/27/1990	Chiang et al.			
	4,973,469	11/27/1990	Mulligan et al.			
	4,983,398	01/08/1991	Gaylord et al.			
	4,990,535	02/05/1991	Cho et al.			
	4,992,278	02/12/1991	Khanna			
	4,994,267	02/19/1991	Sablotsky			
	4,994,276	02/19/1991	Baichwal et al.			

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,996,058	02/26/1991	Sinnreich			
	4,997,658	03/05/1991	Alberts et al.			
	4,999,380	03/12/1991	Berger et al.			
	5,002,774	03/26/1991	Agrawala et al.			
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	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
	FILING DATE October 31, 1997	GROUP 1615

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	APPLICANT Eugenio A. Cefali	CONFIRMATION NO.
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	Complaint, filed by Kos Pharmaceuticals, Inc. on November 12, 2002, in Civil Action No. 02 CV 8995.
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	Reply To Counterclaims And Counterclaims For Declaratory Judgment, filed by Kos Pharmaceuticals, Inc. on March 4, 2003 in Civil Action No. 02 CV 8995.

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